

REMARKS

The above-identified Application has been carefully reviewed with the Office Action of May 19, 2008, the Examiner's comments, and the prior art references cited therein in mind. In response thereto, Applicant submits the following arguments in support of patentability. Favorable reconsideration is hereby respectfully requested.

Claims 1-19 have been rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over the claims in view of U.S. Patent No. 5,613,424, the Office taking the position that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are merely an obvious variation of the other set of claims. The Action continues that U.S. Patent No. 5,613,424 discloses the claimed invention except for a module for fitting on and releaseably securing to the lid wherein the module including a device for controlling locking and unlocking of the lid relative to the vessel and that it would have been an obvious matter of design choice to have a module for fitting on and releaseably securing to the lid wherein the module including a device for controlling locking and unlocking of the lid relative to the vessel, since Applicant has not disclosed that such a design choice solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well.

The Office Action continues that Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Before addressing the rejection, it should be noted that in an Office Action mailed January 30, 2008, claims 1-19 were held to be in condition for allowance. The only remaining outstanding issue was the presence of claim 21 which was directed to an invention non-elected with traverse. Prosecution of the case was closed except for consideration of claim 21. In a response dated February 27, 2008, Applicant canceled claim 21, the last remaining barrier to this application proceeding to issuance. Subsequently, in an Office Action dated May 19, 2008, the above-referenced rejection on the grounds of non-statutory obviousness type double patenting was instituted.

It has been pointed out in the responses to the various rejections over the four year prosecution of the present application that the '424 patent is commonly owned and, indeed, shares common inventorship with the present application. As such, the Applicants are intimately familiar with the '424 patent and the present application. The device of the present application was developed in response to certain issues inherent in the device of the '424 patent which were sought to be improved in the design of the present device.

The claims of the present application are directed to a removable module, while the claims of the '424 patent are directed to a specific device for controlling opening and closing of jaws, which has nothing in common with the implementation of a removable module. It is this characteristic that completely distinguishes the present application from the pressure vessel disclosed in the '424 patent.

Contrary to the contention of the Office that Applicant has not disclosed that such a design choice solves any stated problem or is for any particular purpose, it is explicitly stated that the present novel design permits the present device to be cleaned in a dishwasher. This solves at least one stated problem inherent in prior art devices. Prior art devices are either awkward or in some cases impossible to be cleaned in a dishwasher. The functions that the prior art devices perform, in particular the opening/closing functions require parts of special shapes that present cavities, interstices, and corners which are liable to accumulate food and other residues while being washed in a dishwasher. The presence of such residues can lead to the pressure cooker operating poorly, in particular from the point of view of safety, which is of paramount concern with the heat and pressure generated with such devices. In addition, subjecting prior art devices to temperature and mechanical stresses may cause the device to age prematurely or may damage the device which, as noted, invokes serious concern regarding the safety of the device when subjected to extremes of pressure and heat during use. The present device solves such problems.

Another stated problem solved by the present device is the advantage gained during the manufacturing process by providing the device with a removable module which, by virtue of its very appearance, distinguishes the product upon completion of manufacture. This allows the product to be quickly and easily identified, packed, and shipped, thereby facilitating the manufacturing and production of products for the market. This is a particular purpose that is not found in the device of the '424 patent, or any of the devices in the cited prior art.

These stated problems and their solutions, are found in the discussion of the prior art, and in the specification on page 26, lines 15-23 where it is stated that "it is easy to remove the module 6 in which all of the functions for the user are grouped together, thereby making it possible to obtain a 'bare' lid to as shown in Fig. 5. The lid 2 which is made mostly out of metal parts can then be washed in a dishwasher, independently of the module 6, which module in any event is much less subjected to dirtying than the lid 2, since it is positioned on the outside of the lid while the pressure cooker is in operation."

It should also be noted that a terminal disclaimer in the present application would significantly shorten the patent life of the present application by removing approximately eight

(8) years of protection which is particularly inequitable given that the Applicants and the Assignee are the same in both cases and as such are intimately familiar with the advantages and disadvantages of the competing devices.

Therefore, it is believed that when the above factors are considered, it will be seen that the Applicant has indeed disclosed that such a design choice as shown in the present invention solves several stated problems, is for a well thought out and stated particular purpose, and that the present device performs better than the device of the prior art.

CONCLUSION

With the amendments presented herein, it is believed that all the claims remaining in the Application are in condition for allowance. Early and favorable action in this regarding is hereby respectfully requested. Should there be any minor informalities remaining, the Examiner is respectfully requested to call the under undersigned attorney so that this case may be passed to issue at an early date.

Respectfully submitted,


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